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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MARCO ANTONIO HERNANDEZ,

17 Defendant.

) NO. CR 17-00097 BLF

) MOTION TO DISMISS INDICTMENT AND
) ~~PROPOSED~~ ORDER

18
19 COMES NOW the United States of America through the undersigned attorney to move this
20 Honorable Court to **DISMISS** all counts of the above-numbered Indictment as to MARCO ANTONIO
21 HERNANDEZ.

22 Federal Bureau of Investigation agents have informed the government that MARCO ANTONIO
23 HERNANDEZ died on or about October 13, 2017.

24 DATED: November 20, 2017

Respectfully submitted,


25 BRIAN J. STRETCH
United States Attorney

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27 JEFFREY A. BACKHUS
28 Assistant United States Attorney

MOTION TO DISMISS
NO. CR 17-00097 BLF

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DONE this 22nd day of Nov, 2017.


HON. BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE